



**THE PARTIES**

4. Motorola is a corporation organized and existing under the laws of the State of Delaware and having a principal place of business at 1303 East Algonquin Road, Schaumburg, Illinois 60196.

5. Motorola is a leading innovator in the communications and electronics industry. From the introduction of its first commercially successful car radio in 1930 to the inception of the world's first commercial portable cellular phone in 1983 and thereafter, Motorola has developed substantial proprietary and leading technology relating to wireless communications and electronics. Motorola was also the first to bring push-to-talk over cellular to market. More recently, Motorola demonstrated the world's first WiMAX 802.16e mobile handoff and the industry's first over-the-air data sessions in the 700 MHz spectrum using the Long Term Evolution standard, which is the next evolution of mobile broadband. Among other things, Motorola designs, manufactures, sells, and services wireless handsets with integrated software and accessory products.

6. Upon information and belief, Respondent Research In Motion Ltd. is a corporation organized under the laws of Canada and has its principal place of business at 295 Phillip Street, Waterloo, Ontario, Canada N2L 3WB.

7. Upon information and belief, Respondent Research In Motion Corp. is a corporation organized under the laws of the State of Delaware and has its principal place of business at 122 West John Carpenter Parkway, Suite 430, Irving, Texas 75039.

8. Upon information and belief, at all times relevant to this Complaint, RIM has conducted business in the Northern District of Illinois.

9. Upon information and belief, RIM directly or indirectly through its subsidiaries and affiliated companies, distributes, markets, sells and/or offers to sell throughout the United

States including in this District, and/or imports into the United States consumer products, including wireless communication system server software, wireless handheld devices and battery packs (which are sold both separately and in conjunction with the wireless handheld devices).

### **BACKGROUND AND ASSERTED PATENTS**

10. This is an action brought by Motorola for Defendants' infringement of Motorola's United States Patent Nos. 5,319,712 ("the '712 Patent"); 5,569,550 ("the '550 Patent"); 6,232,970 ("the '970 Patent"); and 6,272,333 ("the '333 Patent") (collectively the "Asserted Patents").

11. Upon information and belief, RIM has infringed, and is continuing to infringe, the Asserted Patents. RIM has refused to compensate Motorola fairly for its use of Motorola's patented technologies and thereby has refused to pay for its use of the Asserted Patents.

12. United States Patent No. 5,319,712, titled "Methods and Apparatus for Providing Cryptographic Protection of a Data Stream in a Communication System," which issued on June 7, 1994, names Louis D. Finkelstein, James J. Kosmach and Jeffrey C. Smolinske as inventors. Motorola is the owner by assignment of all right, title and interest in and to the '712 Patent, including the right to sue and recover for past infringement thereof. A true and correct copy of the '712 Patent is attached as Exhibit A.

13. United States Patent No. 5,569,550, titled "Battery Pack Having Under-Voltage and Over-Voltage Protection," which issued on October 29, 1996, names Scott M. Garrett and Dipti V. Vashi as inventors. Motorola is the owner by assignment of all right, title and interest in and to the '550 Patent, including the right to sue and recover for past infringement thereof. A true and correct copy of the '550 Patent is attached as Exhibit B.

14. United States Patent No. 6,232,970, titled “User Interface Methodology Supporting Light Data Entry for Microprocessor Device Having Limited User Input,” which issued on May 15, 2001, names Eric O. Bodnar, Jennifer J. Lee, Philippe R. Kahn, Roy W. Feague, David E. Jorgensen and Gwoho H. Liu as inventors. Plaintiff is the owner by assignment of all right, title and interest in and to the ’970 Patent, including the right to sue for past infringement thereof. A true and correct copy of the ’970 Patent is attached hereto as Exhibit C.

15. United States Patent No. 6,272,333, titled “Method and Apparatus in a Wireless Communication System for Controlling a Delivery of Data,” which issued on August 7, 2001, names Dwight Randall Smith as inventor. Plaintiff is the owner by assignment of all right, title and interest in and to the ’333 Patent, including the right to sue for past infringement thereof. A true and correct copy of the ’333 Patent is attached hereto as Exhibit D.

**CLAIM ONE**  
**(Infringement of U.S. Patent No. 5,319,712)**

16. Upon information and belief, RIM has been and still is infringing, contributorily infringing and/or inducing infringement of at least independent claims 6 and 17 and associated dependent claims 8-10 of the ’712 Patent, pursuant to 35 U.S.C. § 271(a), (b), (c), and/or (g), in this District and elsewhere in the United States, by their activities, including but not limited to making, using, offering to sell, and/or importing products, such as wireless handheld devices, and/or by inducing others to use the claimed units and/or to practice the claimed methods.

17. The accused devices that infringe the ’712 Patent include at least the BlackBerry Pearl 8120, Pearl Flip 8220, Curve 8320, Curve 8350i, Curve 8520, Curve 8530, Curve 8900, 8820, Bold 9000, Bold 9700, and Storm2 9550.

18. Upon information and belief, the instructional materials produced by RIM (e.g., Getting Started Guide and/or User Guide) instruct customers purchasing the above-listed BlackBerry devices how to use these products in accordance with the asserted claims of the '712 Patent.

19. RIM has knowledge of the '712 Patent and is on notice of its infringement of the '712 Patent since at least the date of service of this Complaint.

20. RIM's infringing activities have caused and will continue to cause Plaintiff irreparable harm for which it has no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

**CLAIM TWO**  
**(Infringement of U.S. Patent No. 5,569,550)**

21. Upon information and belief, RIM has been and still is infringing, contributorily infringing and/or inducing infringement of at least independent claims 1 and 12 and associated dependent claims 3-5, 7, 9, 10, and 13-15 of the '550 Patent, pursuant to 35 U.S.C. § 271(a), (b), (c), and/or (g), in this district and elsewhere in the United States, by their activities, including but not limited to making, using, offering to sell, and/or importing products, such as wireless handheld devices and/or battery packs, and/or inducing others to use the claimed battery packs.

22. The accused devices and battery packs that infringe the '550 Patent include at least the BlackBerry Pearl 8100, Pearl 8110, Pearl 8120, Pearl 8130, Pearl Flip 8220, Pearl Flip 8230, Curve 8300, Curve 8310, Curve 8320, Curve 8330, Curve 8350i, Curve 8900, 8800, 8820, 8830, Bold 9000, Bold 9700, Storm 9530, Storm2 9550, and Tour 9630; and the battery packs for each accused device, including at least the C-M2, C-S2, C-X2, D-X1, and M-S1.

23. RIM has knowledge of the '550 Patent and is on notice of its infringement of the '550 Patent since at least the date of service of this Complaint.

24. RIM's infringing activities have caused and will continue to cause Plaintiff irreparable harm for which it has no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

**CLAIM THREE**  
**(Infringement of U.S. Patent No. 6,232,970)**

25. Upon information and belief, RIM has been and still is infringing, contributorily infringing and/or inducing infringement of at least independent claim 10 and associated dependent claims 11-20 of the '970 Patent, pursuant to 35 U.S.C. § 271(a), (b), (c), and/or (g), in this district and elsewhere in the United States, by their activities, including but not limited to making, using, offering to sell, and/or importing products and services, such as wireless handheld devices, software and other wireless communication network related equipment, and/or inducing others to perform the claimed methods and/or by inducing others to practice the claimed methods.

26. The accused products that infringe the '970 Patent include at least the BlackBerry Pearl 8100, Pearl 8110, Pearl 8120, Pearl 8130, Pearl Flip 8220, Pearl Flip 8230, Curve 8300, Curve 8310, Curve 8320, Curve 8330, Curve 8350i, Curve 8520, Curve 8530, Curve 8900, 8800, 8820, 8830, Bold 9000, Bold 9700, Storm 9530, Storm2 9550, and Tour 9630.

27. Upon information and belief, the instructional materials produced by RIM (e.g., Getting Started Guide and/or User Guide) instruct customers purchasing the above-listed BlackBerry devices how to use these products in accordance with the asserted claims of the '970 Patent.

28. RIM has knowledge of the '970 Patent and is on notice of its infringement of the '970 Patent since at least the date of service of this Complaint.

29. RIM's infringing activities have caused and will continue to cause Plaintiff irreparable harm for which it has no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

**CLAIM FOUR**  
**(Infringement of U.S. Patent No. 6,272,333)**

30. Upon information and belief, RIM has been and still is infringing, contributorily infringing and/or inducing infringement of at least independent claims 1, 7 and 12 and associated dependent claims 2-6, 8-11 and 13 of the '333 Patent, pursuant to 35 U.S.C. § 271(a), (b), (c), and/or (g), in this district and elsewhere in the United States, by their activities, including but not limited to making, using, offering to sell, and/or importing products and services, such as wireless handheld devices, wireless communication system server software and/or by inducing others to use the claimed controllers and/or subscriber units and/or to practice the claimed methods..

31. The accused devices that infringe the '970 Patent include at least the BlackBerry Pearl 8100, Pearl 8110, Pearl 8120, Pearl 8130, Pearl Flip 8220, Pearl Flip 8230, Curve 8300, Curve 8310, Curve 8320, Curve 8330, Curve 8350i, Curve 8520, Curve 8530, Curve 8900, 8800, 8820, 8830, Bold 9000, Bold 9700, Storm 9530, Storm2 9550, and Tour 9630 and all versions 4.0 or later of Blackberry Enterprise Server ("BES").

32. Upon information and belief, the instructional materials produced by RIM (e.g., Getting Started Guide and/or User Guide) instruct customers purchasing the above-listed BlackBerry devices and BES software how to use these products in accordance with the asserted claims of the '333 Patent.

33. RIM has knowledge of the '333 Patent and is on notice of its infringement of the '333 Patent since at least the date of service of this Complaint.

34. RIM's infringing activities have caused and will continue to cause Plaintiff irreparable harm for which it has no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

**DEMAND FOR TRIAL BY JURY**

Plaintiff demands a trial by jury of all claims and all issues triable by jury in this action.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully request the Court the following relief:

- a. Adjudging that Defendants have infringed at least the asserted claims of the '712 Patent, the '550 Patent, the '970 Patent, and the '333 Patent;
- b. Permanently enjoining Defendants and their directors, officers, employees, attorneys, agents, and all persons in active concert or participation with any of the foregoing from further acts of infringement, contributory infringement or inducement of infringement of the Asserted Patents unless and until licensed under the Asserted Patents by Plaintiff;
- c. Awarding to Plaintiff damages sufficient to compensate Plaintiff for the infringement by Defendants, together with both pre-judgment and post-judgment interest; and
- d. Awarding to Plaintiff such other and further relief as this Court deems proper and just.



Dated: January 22, 2010

By: /s/Richard T. McCaulley, Jr.

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